

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

SPL-EST-9364(2)

Read: — Law and Judiciary Department's Order No. LD/EST/18-69/70, dated 8th May, 1969, published in Government Gazette, Series I, No. 8, dated 22nd May, 1969.

In exercise of the powers conferred on him by Rule 9 of the Central Civil Services (Classification,

Control and Appeal) Rules, 1965, read with the Schedule thereto, and all other powers enabling him in this behalf, the Administrator of the Union Territory of Goa, Daman and Diu hereby makes the following amendments and substitutes the following entries in place of the existing entries against Serial Nos. 31 and 30 of the Schedule appended to the Notification No. GAD-EST-9364(2), dated 30th March, 1966, published in Government Gazette Series I, No. 2, dated 14th April, 1966 regarding the Appointing, Disciplinary and Appellate Authority under the said rules for Class III and Class IV posts in the Administration of the Union Territory of Goa, Daman and Diu.

Sr. No.	Description of service	Appointing Authority	Authority competent to impose penalties which it may impose (with reference to Nps. in rule 11)		Appellate Authority
			Authority	Penalties	
1	2	3	4	5	6
30	Office of the District Registrar Goa-cum-Head of Registers and Notary Services, Goa, Daman and Diu, Panaji.	District Registrar cum-Head of Registers and Notary Services, Panaji.	District Registrar cum-Head of Registers and Notary Services, Panaji.	All	Law Secretary.
31	Land Registration-cum-Notary Public Offices, Civil Registration Offices and Civil Registration-cum-Sub-Registration Offices.	— do —	— do —	— do —	— do —

By order and in the name of the Administrator of Goa, Daman and Diu.

V. H. Sakhalakar, Deputy Secretary (Appointments).

Panaji, 1st February, 1971.

Home Department 'A'

Notification

HD. 21-60/70-A

In exercise of the powers conferred by Section 15 of the Punjab Motor Vehicles Taxation Act, 1924 (4 of 1924) as applicable to the Union Territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes as follows the Fourth Amendment to the Goa, Daman and Diu Motor Vehicles Taxation Rules, 1965, as last amended as per Government of Goa, Daman and Diu notification No. HD. 21-10217/67-A dated the 7th July, 1967.

The following new item shall be inserted after item (X) of sub-rule (1) of rule 4 of the Motor Vehicles Taxation Rules, 1965, namely: —

“(XI) Motor cabs and omnibuses covered by permits bearing an endorsement made by the State

Transport Authority of any State or Union Territory to the effect that the vehicle to which the permit relates is an All India Tourist Vehicle: —

Total exemption subject to the conditions firstly that the motor vehicles tax and passengers tax have been paid in respect of the motor cab or omnibus concerned in the State or Union Territory, the State Transport Authority of which made the endorsement regarding its being an All India Tourist Vehicle and secondly that the motor cabs and omnibuses covered by permits bearing such endorsement made by State Transport Authority of the Union Territory of Goa, Daman and Diu are similarly totally exempted from the payment of the said two taxes”.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. N. Dhumak, Under Secretary (Home).

Panaji, 17th February, 1971.

Food and Civil Supplies Department

ORDER

2-10/71/FCS-CS

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Notification of the Government of India, the Ministry of Food and Agriculture (Department of Food) G.S.R. No. IIII dated 24th July 1967 and with the prior concurrence of the Central Government, the Lt. Governor of Goa, Daman and Diu hereby makes the following order so as to amend the Goa, Daman and Diu controlled commodities (Regulation of Distribution) order 1966.

1. *Short title and commencement* —

- a) This order may be called the Goa, Daman and Diu controlled commodities (Regulation of Distribution), (First amendment) order, 1971.
- b) It shall come into force on the day on which it shall be published in the Government Gazette.

2. *Amendment of the schedule* —

The item No. 3 of the schedule to the Goa, Daman and Diu controlled commodities (Regulation of Distribution) order 1966 shall be deleted and the existing items Nos. 4, 5, 6 and 7 shall be re-numbered as 3, 4, 5 and 6.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

T. Kipgen, Development Commissioner.

Panaji, 15th February, 1971.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/A/7/285/71

The following Report of the Select Committee on Bill No. 10 of 1969 (The Goa, Daman and Diu Khar Lands Bill, 1969) along with the bill as amended by the Select Committee, which was presented to the Legislative Assembly of Goa, Daman and Diu on 11th February, 1971 is hereby published for general information in pursuance of the provisions of rule 260 of the Assembly Rules.

(Bill No. 10 of 1969)

A
BILL

to provide for the protection and improvement of Khar Lands and the reclamation of tidal lands in the Union Territory of Goa, Daman and Diu by the construction and maintenance of embankments and for certain other matters.

COMPOSITION OF THE SELECT COMMITTEE

CHAIRMAN

1. Shri D. B. Bhandodkar, Chief Minister — Minister in charge of the Bill.

MEMBERS

2. Shri Anthony J. D'Souza.
3. Shri P. P. Achrekar.

4. Shri R. S. Barneto.
5. Shri M. M. Bhathela.
6. Shri R. S. Fernandes.
7. Shri Gajanan Patil.
8. Shri J. B. Gaonkar.

SECRETARIAT

Law and Legislature Department

Shri O. P. Garg, Secretary.

REPORT OF THE COMMITTEE

1. I, the Chairman of the Select Committee to which the Bill to provide for the protection and improvement of Khar lands and the reclamation of tidal lands in the Union territory of Goa, Daman and Diu by the construction and maintenance of embankments and for certain other matters, was referred, having been authorised by the Committee to submit a report on their behalf, present this report with the Bill as amended by the Committee, annexed thereto.

2. The Bill was published in the Official Gazette on 16th August, 1969. It was introduced in the Legislative Assembly on 18th September, 1969. Motion for reference of the Bill to a Select Committee of the House was passed by the House on 7th October, 1969.

3. All Members of the Legislative Assembly were requested to send in their amendments and suggestions, if any, on or before 2nd February, 1970. Members of the public were also requested through a press note and also by an announcement made at the local station of the All India Radio to offer their views and send in their suggestions, if any, on or before 2nd February 1970. No amendments or suggestions were received from any member of the Legislative Assembly. Suggestions were, however, received from two members of the public. Besides some comments on the proposed measures had also appeared in the press. The relevant press cuttings as well as copies of the two suggestions as aforesaid were circulated to the members of the Committee for their consideration.

4. The Committee held 19 sittings in all and at some of the meetings, a technical expert namely an Executive Engineer, Shri U. Pisurlekar was also consulted. The first meeting was held on 17-1-1970. The provisions of the Bill were examined clause by clause and the comments appeared in the press and also the couple of suggestions received from the public were carefully examined and discussed in relation to the clauses concerned. Whenever it was felt necessary, changes were decided upon and incorporated in draft annexed to this report. The Committee finalised the amendments to be incorporated in the Bill and adopted the report in its meeting held on 1st February, 1971.

5. The Committee has also rearranged some of the clauses as they existed in the Bill as introduced.

6. The reasons for the important changes in the Bill are set out in the succeeding paragraphs.

Clause 1(1). — Short title of the Act. — The title of the Act is being changed from the Goa, Daman and Diu Khar Lands Act, 1969 to the Goa, Daman and Diu Khajan Lands Act, 1971. The term 'Khajan' is being

preferred as it is considered to be more in use in this territory.

Clause 1(3).— The proviso to original clause 1(3) has been dropped as it is not considered necessary to have a provision for appointment of different dates for the coming into force of different provisions of the Act.

Clause 2(c).— The definition of the term "Collector" is slightly redrafted on the lines of the definition in the Goa, Daman and Diu Land Revenue Code, 1969.

Clause 2(d).— The definition of the term "embankment" in the original Bill was an inclusive definition. The definition has been amended so as to first indicate the meaning of the term and later to indicate the inclusive part.

Clause 2(l).— The portion purporting to include the adjoining bed or shore in the scope of the definition of the term "tidal land" is considered unnecessary and is hence deleted.

Clause 2(m).— The term "Unit" is being replaced by the term "Zone" so that it relates to the area of the jurisdiction of the Managing Committee concerned.

Clause 3(2).— The number of members of the Board has been reduced from 13 to 11 (including the Chairman) and the number of the members to be nominated to the Board is being increased from 5 to 6 so that the majority of the members is not of ex-officio members. A change as to the particular ex-officio member has also been made with a view that the incumbents of those offices would be directly connected with the working of the Khajan Land Development Board.

Clause 6.— This is analogous to the original Clause 8. The purposes of the scheme is to be prepared by the Board have been modified so as to include certain objects that may be prescribed under the rules, under the Act.

Clause 7.— The new clause makes a departure from the original clause 7 to the extent that the officers other than the Secretary and the Chief Accounts Officer of the Board should be appointed by the Board itself. This provision is made with the view that the Board is able to exercise direct supervision and disciplinary control over such employees. In view of this change it is being specifically mentioned that the Chief Accounts Officer of the Board should also be appointed by the Government.

Clause 8.— Original Clause 26 has been re-numbered and provisions have been elaborated a little. The Board will against payment of price grant licences for fishing in waters in tidal and khajan land of any zone and the right of fishery would otherwise vest exclusively in the Board.

New Clause 10.— This Clause has been newly added to provide for formation of zones.

Clause 11.— Original Clause 21 has been re-numbered with a view to put the provision relating to Managing Committee together with the provisions pertaining to formation of zones. The name of the

Maintenance Committee is being changed to Managing Committee. Any casual vacancies on the Managing Committee under the change provisions would not invalidate the proceedings.

Clause 13.— Original Clause 10 has been re-numbered and a change has been introduced so that the scheme is made known to villagers concerned directly by publication in the villages instead of by publication in the Official Gazette.

Clause 14.— Original Clause 43 has been re-numbered and a new provision for summary enquiries has been added. Further the powers of Revenue Officers under the Goa, Daman and Diu Land Revenue Code, 1969, are being given to the Board and the person authorized to hold inquiry under the foregoing Clause 13(2) in the matter of summoning persons and enforcing their attendance and production of documents by them.

Clause 16.— This purports to replace the original Clause 12 with the modification that the schemes involving cost upto Rs. 40,000/- could be finalized by the Board without reference to the Government. This course is likely to add to speed in the matter of finalization of schemes.

Clause 17.— This Clause is analogous to original Clause 14. However, a new sub-clause (3) has been inserted so that the Board may receive subsidies from time to time from the Government to carry on its work.

Clause 18.— Original Clause 15 has been reproduced with the modification that if a scheme is to be varied by the Board to cure an existing defect, error or irregularity, the Board can do so only if such variation does not increase the total expenditure on scheme beyond Rs. 40,000/-. Further the elaborate procedure provided in new Clause 12 to 16 is to be repeated only in cases of those variations which have the effect of enhancing the cost of the scheme by more than 10 per cent.

Clause 21.— This is analogous to original Clause 18. A change has been made regarding liability of the Board to refund the contribution in cases of revocation of scheme. The reason is that a liability to make contribution arises for the first time after the completion of the execution of the scheme and the scheme can be revoked only before its execution is completed. Thus there would arise no occasion for refund of contribution consequent to revocation of scheme.

Clause 24.— It reproduces the original Clause 27 with the change that in case of a land ceasing to be held by a tenant, his liability for contribution would devolve on the landowner.

Clause 28.— It reproduces the original Clause 34 with the change that a copy of the budget and of the accounts of the Board shall have to be placed by the Government on the Table of the House.

Clause 30.— This is analogous to original Clause 28. In case of land held by tenant, the respective shares of the landlords and tenants towards maintenance contribution have been specified as 1/6 and 5/6.

Clause 32.—This is analogous to the original Clause 37 except for the change that storage or explosion of explosives within a certain distance of the embankments is being prohibited.

Clause 33.—This Clause combines the provisions of original Clauses 38 and 39 with the change that the provision relating to the impounding of cattle has been dropped in view of the proposed amendment of the provisions of the Goa, Daman and Diu Village Panchayat Regulation, 1962, so as to empower Village Panchayats to establish cattle pounds and administer the subject connected therewith.

Clause 41.—This Clause is analogous to original Clause 23 with the change that the portion «subject to the provisions of section 25» has been omitted consequent to Committee's decision not to have any provision parallel to original Clause 25. The original Clause 25 in turn has been decided to be omitted for the reason that according to the Committee it may not be fair to remove earth or any other material from the land of any one without paying compensation.

Assembly Hall,
Panaji, February 1, 1971.

D. B. BANDODKAR
Chairman

Minute of Dissent
to

The Select Committee Report on Bill No. 10 of 1969,
The Goa, Daman and Diu Khar Lands Bill, 1969

We have to observe our reservations regarding the policy adopted in clause 7 regarding appointment

of officers and servants and Clause 30 regarding Levy of annual maintainance.

Clause 7 as drafted by the Select Committee empowers the board to fix the salary and service condition of the employees of the board which may give rise to discrepancies in wage scale and other service conditions when compared to Government employees wage-scales and condition. This give ground for discontent as has been experienced in other semi-Government institutions like the Municipalities etc. We would therefore recommend that this Clause be so amended as to ensure that the wage-scale and service conditions of the employees of the Board be on par with that of the Government employees.

Clause 30.—The clause as it stands, places the entire burden of maintainance of the tenant or the tenant and landlord as the case may be. The Technical Department when called before the Select Committee to advise on the cost of maintainance, advised that the annual maintainance cost would be roughly at the rate of Rs. 5/- per linear meter, without taking into consideration watch and ward costs. This it was seen would be a heavy burden on the cultivator. Further the Bill as at present drafted covers also repairs of minor breaches under maintainance. As at present the tenant is allowed 50% subsidy for such minor repair works. The clause as it stands denies the existing facility. We would therefore recommend that the clause may be amended to cover 50% subsidy by the Government or Board on all Maintainance works.

ANTHONY J. D'SOUZA, MLA.
GAJANAN PATIL, MLA.

The Comparative Text of Original and Amended Bills

AMENDED BILL

A Bill to provide for the protection and improvement of Khajan lands and the reclamation of tidal lands in the Union territory of Goa, Daman and Diu by the construction and maintenance of embankments and for certain other matters.

Whereas it is expedient to provide for the protection and improvement of Khajan lands and the reclamation of tidal lands in the Union territory of Goa, Daman and Diu by the construction and maintenance of embankments and for certain other matters;

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-second Year of the Republic of India, as follows:—

CHAPTER I

Preliminary

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Khajan Lands Act, 1971.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification, in the Official Gazette, appoint.

ORIGINAL BILL

A Bill to provide for the protection and improvement of khar lands and the reclamation of tidal lands in the Union territory of Goa, Daman and Diu by the construction and maintenance of other matters.

Whereas it is expedient to provide for the protection and improvement of khar lands and the reclamation of tidal lands in the Union territory of Goa, Daman and Diu by the construction and maintenance of embankments and for certain other matters:

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twentieth Year of the Republic of India as follows:—

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Khar Lands Act, 1969.

(2) It extends to the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette appoint.

AMENDED BILL

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context—

(a) "Board" means the Goa, Daman and Diu Khajan Lands Development Board established under section 3;

(b) "Chairman" means the Chairman of the Board;

(c) "Collector" means the Collector of the District and includes any officer appointed by the Government to exercise and perform all or any of the powers and functions of the Collector under this Act;

(d) "embankment" means
a bank, bund, dam, wall or dyke made or used for excluding water from any tidal or khajan land and includes—

(1) a drainage channel;

(2) every sluice, spur, groyne, training wall, berm or other work annexed to, or portion of, any such embankment;

(3) every bank, dam, bund, dyke, wall, groyne or spur made or erected for the protection of any such embankment or of any tidal or khajan land from erosion or overflow by or of tides, waves or water; and

(4) sluice gates.

(e) "Government" means the Government of Goa, Daman and Diu;

(f) "khajan land" means such tidal land as is or may be made cultivable by protecting it by means of an embankment from the sea, a creek or a tidal river, and includes all such land in whatever manner described, whether as kher, khajan, or otherwise;

(g) "land owner" means a person owning land and includes a person holding a land on lease or grant from the Government or Comunidade; but does not include a landlord;

(h) "landlord" means a landowner whose land is held by a tenant, under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964);

(i) "prescribed" means prescribed by rules made under this Act;

(j) "sea" includes bay, inlet, creek or an arm of the sea;

(k) "tenant" means a lessee and includes a person deemed to be a tenant under the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964; (7 of 1964);

(l) "tidal land" means such parts of bed or shore of the tidal water as are covered and un-

ORIGINAL BILL

Provided that different dates may be appointed for different areas and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context—

(a) "Board" means the Goa, Daman and Diu Khar Lands Development Board established under section 3;

(b) "Chairman" means the Chairman of the Board;

(c) "Collector" means the Collector of Goa, the Collector of Daman and the Civil Administrator of Diu or any person appointed by the Government to perform the functions of the Collector under this Act;

(d) "embankment" includes—

(i) every bank, dam wall and dyke made or used for excluding water from, or retaining water upon, any tidal or khar land or for excluding salt water from entering into any adjoining sweet water nallas;

(ii) every sluice, spur, groyne, training wall, berm or other work annexed to, or portion of, any such embankment;

(iii) every bank, dam, dyke wall, groyne or spur made or erected for the protection of any such embankment or of any tidal or khar land from erosion or overflow by or of tides, waves or waters; and

(iv) all buildings intended for inspection and supervision;

(e) "Government" means the Administrator of the Union territory of Goa, Daman and Diu appointed under Article 239 of the Constitution.

(f) "khar land" means such tidal land as is made cultivable by protecting it by means of an embankment from the sea or tidal river, and includes all such land in whatever manner described, whether as khar, khajan or otherwise;

(g) "land owner" means a person owning land and includes a person holding land from the Government or a Comunidade under aforamento, emphyteusis or provisional concession;

(h) "member" means a member of the Board;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "sea" includes bay, inlet, creek or an arm of the sea;

(k) "tenant" means a lessee and includes a person deemed to be a tenant under the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. The term "landlord" shall be construed accordingly;

(l) "tidal land" means such parts of bed or shore of the tidal water as are covered and un-

AMENDED BILL

covered by the flow and ebb of the tide at ordinary spring tides;

(m) "Zone" means a unit formed by the Board under sub-section (1) of section 10;

CHAPTER II

Of the Board

3. Establishment of Khajan Lands Development Board.—(1) The Government shall establish a Khajan Lands Development Board for the Union Territory of Goa, Daman and Diu.

(2) The Board shall consist of eleven members including a Chairman, out of which 6 members shall be nominated by the Government from among non-official individuals, five representing the Goa District and one representing the Daman District. The following shall be the other members of the Board:—

- (i) the Development Commissioner to the Government;
- (ii) the Secretary to the Government, Finance Department;
- (iii) the Director of Agriculture;
- (iv) the Captain of Ports, Goa, Daman and Diu; and
- (v) the Director of Fisheries.

(3) The Chairman shall be appointed by the Government out of the members nominated to the Board;

(4) The names of the nominated members of the Board including the Chairman, shall be published in the Official Gazette and every nominated member including the Chairman shall hold office for three years from the date of such publication.

4. Casual Vacancies.—(1) If any nominated member of the Board:—

- (a) dies;
- (b) resigns;
- (c) refuses to act;
- (d) is, in the opinion of the Board, otherwise unfit to continue as member; or
- (e) absents himself from the meetings of the Board, without the permission of the Chairman for three consecutive meetings of the Board; his office shall be deemed to have casually fallen vacant.

ORIGINAL BILL

covered by the flow and ebb of the tide at ordinary spring tides together with the adjoining bed or shore not exceeding four hundred metres in distance from the spring tide mark;

(m) "unit" means a unit formed by the Board under sub-section (2) of section 8 or under section 21.

3. Establishment of Khar Lands Development Board.—(1) The Government shall establish a Khar Lands Development Board for the Union territory of Goa, Daman and Diu.

(2) The Board shall consist of a Chairman and twelve other members as follows:

- (i) the Development Commissioner to the Government, ex-officio;
- (ii) the Principal Engineer, Public Works Department, Goa, Daman and Diu, ex-officio;
- (iii) the Collector of Goa, ex-officio;
- (iv) the Secretary to the Government, Revenue Department, ex-officio;
- (v) the Director of Agriculture, Goa, Daman and Diu, ex-officio;
- (vi) the Captain of Ports, Goa, Daman and Diu, ex-officio;
- (vii) the Director of Fisheries Goa, Daman and Diu, ex-officio;
- (viii) five members nominated by the Government, four representing the Goa District and one representing the Daman District.

(3) The Chairman of the said Board shall be appointed by the Government and shall hold office for three years from the date of his appointment.

(4) The names of members appointed or nominated under this section shall be published in the Official Gazette.

4. Term of office; vacancies.—(1) The members other than ex-officio members shall hold office for a period of three years from the date of the publication of their names under section 3.

AMENDED BILL

(2) All casual vacancies among the nominated members including the Chairman shall be filled up as soon as it conveniently may be by nomination under section 3 and the person nominated to a casual vacancy shall hold office as long as the member in whose place he is nominated would have held it if the vacancy had not occurred.

(3) No act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Board.

5. Incorporation of Board.—The Board constituted under section 3 shall be a body corporate by the name of "The Goa, Daman and Diu Khajan Lands Development Board" and shall have perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both movable and immovable and to contract and to do all things necessary for the purposes of this Act.

6. Powers and duties of Board.—(1) It shall be the duty of the Board to promote the development of khajan lands in the most efficient and economical manner.

(2) Without prejudice to the generality of the foregoing power, the Board may—

(a) cause survey to be made of all the khajan and tidal lands in the Union Territory of Goa, Daman and Diu;

(b) prepare and maintain, in the prescribed manner, a list of—

(i) all the embankments existing on the commencement of the Act;

(ii) the land benefited or to be protected by each bank, dam, wall or dyke constituting embankment;

(iii) the addresses of landlords and tenants or of landowners, as the case may be, of each of such lands;

(c) form Zones having regard to the contours of embankments constructed or to be constructed for the protection of lands and the homogeneity of the plots of lands protected or to be protected thereby;

(d) prepare schemes for the construction, or reconstruction of embankments and other prescribed objects;

ORIGINAL BILL

(2) If any such member—

(a) dies; or

(b) is absent from the meetings of the Board for more than three consecutive meetings of the Board; or

(c) leaves the Union territory of Goa, Daman and Diu with the intention of being absent therefrom for more than three consecutive months; or

(d) resigns; or

(e) refuses to act or becomes incapable of acting; his office shall thereupon become vacant;

(3) All casual vacancies among the members other than the ex-officio members shall be filled up as soon as it conveniently may be by nomination or appointment under section 3; and the person nominated or appointed to a casual vacancy shall hold office so long as the member in whose place he is nominated or appointed would have held it if the vacancy had not occurred.

(4) No act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Board.

5. Incorporation of Board.—The Board constituted under section 3 shall be a body corporate by the name of "The Goa, Daman and Diu Khar Lands Development Board" and shall have perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both movable and immovable and to contract and to do all things necessary for the purposes of this Act.

8. Powers and duties of Board.—(1) It shall be the duty of the Board to promote the development of khar lands in the most efficient and economical manner.

(2) Without prejudice to the generality of the foregoing power, the Board may—

(a) cause survey to be made of all the khar and tidal lands in the Union territory of Goa, Daman and Diu to which this Act applies;

(b) prepare a list of—

(i) all embankments;

(ii) the lands benefited or to be protected by each such embankment;

(iii) the names of landlords and tenants of such lands;

(c) form units having regard to the contours of embankments constructed or to be constructed for the protection of lands and the homogeneity of the plots of lands protected or to be protected thereby;

(d) prepare schemes for the construction, maintenance and preservation of embankments and other prescribed objects;

AMENDED BILL

(e) remove encroachments on inland waterways;

(f) provide for the execution of the work necessary for the maintenance of the existing embankment;

(g) supervise all work in connection with the better cultivation of khajan lands;

(h) reclaim tidal lands for the purpose of bringing them under cultivation;

(i) prepare scheme for rearing prawns and other fish in the khajan lands;

(j) propose, in the manner prescribed, the Government the remuneration to be paid to the members of the Board and the Managing Committee;

(k) to give such directions to the Managing Committee, as it may think fit; and

(l) generally do all acts that are necessary for carrying out the objects of the Act.

7. Appointment of officers and servants.— (1) The Government may appoint the Secretary and the Chief Accounts Officer of the Board.

(2) The Board may appoint such other officers and servants as may be required to enable the Board to discharge its duties and functions under this Act.

(3) The remuneration and other conditions of service of the Secretary and the Chief Accounts Officer of the Board, shall be such as may be determined by the Government.

(4) Subject to the provisions of this Act, the Board shall, with the previous approval of the Government, make regulations—

(a) fixing the salary and allowances and conditions of service of the Secretary, Chief Accounts Officer and other officers and employees of the Board;

(b) fixing the amount and nature of security to be furnished by any officer or other employee from whom it may be deemed expedient to require security;

(c) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and other employees of the Board:

Provided that an employee of the Central Government or a State Government employed by the Board shall not be entitled to leave or leave allowances, otherwise than as laid down in the conditions of his service under the Central Government or State Government relating to transfer to foreign service;

(d) for establishing and maintaining a provident fund, for compelling all or any of the

ORIGINAL BILL

(e) remove encroachments on inland waterways;

(f) supervise all work in connection with the better cultivation of khar lands;

(g) reclaim tidal lands for the purpose of bringing them under cultivation, prepare scheme for rearing up prawns and other fish in the khar lands; and

(h) generally do all that is necessary for carrying out the objects of the Act.

7. Appointment of officers and servants.— (1) The Government may appoint the Secretary and such other officers and servants as may be required to enable the Board to discharge its functions under this Act.

(2) The Board may, with the previous sanction of the Government, consult such technical advisers, as it thinks necessary for the purpose of carrying out the objects of this Act and they shall be paid such remuneration as may be determined by the Board with the previous sanction of the Government.

(3) The officers and servants appointed under sub-section (1) shall be the servants of the Government and they shall draw their pay and allowances from the Government revenues.

AMENDED BILL

officers or employees other than the employees of the Central Government or State Government in respect of whom a contribution is paid under sub-section (5) to subscribe to the fund at such rates and subject to such conditions as may be prescribed, and for paying into the said fund such portion of the contribution of the Board in such manner as the Government may determine;

(e) for determining the conditions under which the officers and other employees or any of them shall on retirement receive pension, gratuities and compassionate allowances and the amount of such pensions, gratuities and compassionate allowances.

(5) The Board shall be liable to pay such contributions for the leave salary, pension or provident fund of any employee of the Central Government or State Government employed as Chairman or as an officer or other employee of the Board as may be required by the conditions of his service under the Central Government or a State Government to be paid by him or on his behalf.

(6) The Board may, with the previous sanction of the Government, consult such technical advisers, as it thinks necessary for the purpose of carrying out the objects of this Act and they shall be paid such remuneration as may be determined by the Board with the previous sanction of the Government.

(7) The pay and allowances of the Officers and servants appointed under sub-section (1) and (2), shall be drawn from the fund of the Board.

8. Power of the Board to regulate fishing rights.

— (1) Notwithstanding any custom, usage, law or contract to the contrary, the right of fishery in any water in the tidal and khajan lands of each zone shall exclusively vest in the Board.

(2) Any person in whom, until before the commencement of this Act, the right to fishery as aforesaid vested, may prefer a claim in writing to the Collector for compensation and thereupon the provisions of the Land Acquisition Act, 1894, (1 of 1894) shall, as far as may be, mutatis mutandis, apply for the determination of the compensation and the apportionment and payment thereof.

(3) It shall be open to the Board to grant from time to time in the prescribed manner, a licence to fish in any water in the tidal and khajan land of any zone to any person on payment of such price as may be settled either by private negotiation or as a result of holding a public auction on such terms and conditions as the Board may deem fit to impose;

(4) No person shall fish or exercise any right to fishery in any other water in any tidal or khajan land of any zone except under and in accordance with the terms and conditions of a licence granted by the Board in this behalf.

9. Power of Board to make bye-laws. — (1) The Board may with the previous sanction of the Government make bye-laws consistent with this

ORIGINAL BILL

26. Power of Board to regulate fishing rights. —

(1) Notwithstanding any custom, usage, law or contract to the contrary no person shall fish or exercise the right of fishery in any water or any tidal or khar land to which the provisions of this Act apply except under a licence granted by the Board in this behalf.

(2) The licence granted under sub-section (1) shall be granted on the payment of such fees and subject to such restrictions and on such conditions and shall be in such form and contain such particulars as may be prescribed.

6. Power of Board to make bye-laws. — The Board may with the previous sanction of the Government make bye-laws consistent with this Act

AMENDED BILL

Act and the rules made thereunder for all or any of the following matters: —

(a) the manner in which its business shall be transacted;

(b) the definition of its power to enter into contracts, which shall be binding on it and the manner in which such contracts shall be executed; and

(c) any other matter for which provision is required to be made for the efficient discharge of its duties or business under the Act;

(2) The Board may also make regulations for carrying out the objects of a scheme which has come into force under this Act.

CHAPTER III

Formation of Zones and the Managing Committee

10. **Formation of Zones.** — (1) The Board shall prepare separate draft plans of khajan lands protected by contiguous banks, dams, dykes or walls constituting embankments. The land or lands included in each plan, when finalized under sub-section (5) will form a separate unit to be known as Zone.

(2) The Board shall prepare separate draft lists of addresses of the landlords and tenants or of the landowners, as the case may be, of the khajan lands included in each draft plan of lands prepared under sub-section (1).

(3) The Board shall, in the prescribed manner, publish in the village whose lands are included in any draft plan of lands prepared under sub-section (1). —

(i) the draft plans of lands;

(ii) draft list of addresses prepared under sub-section (2);

(iii) a 45 days notice in the prescribed form inviting objections to any entries in the said draft lists and plans published under this sub-section.

(4) The objections received under sub-section (3) shall be considered by an officer of the Board authorised in this behalf by the Chairman. After giving an opportunity to the persons concerned to be heard in the matter, such authorized officer shall submit a report to the Board containing his recommendations and remarks on the objections.

(5) On receipt of the report under sub-section (4) the Board shall, after making such modifications in the draft plans and draft lists prepared under sub-section (1) and (2) as it may consider necessary in the light of such report, finalize the said lists as also the plans. The lists and plans so finalized shall be published by the Board in the prescribed manner.

(6) The final plans and final lists published under sub-section (5) shall be conclusive evidence on the question whether any land is included in a particular Zone and whether a person is a landowner, a landlord or a tenant of such land.

11. **Constitution of a Managing Committee for a Zone.** — (1) The Board shall for each Zone constitute a Managing Committee consisting of a

ORIGINAL BILL

and the rules made thereunder for all or any of the following matters: —

(a) the manner in which its business shall be transacted;

(b) the definition of its power to enter into contracts, which shall be binding on it and the manner in which such contract shall be executed;

(c) any other matter for which provision is required to be made for the efficient discharge of its duties or conduct of its business.

21. **Maintenance Committee for Units.** — (1) The Board shall appoint a Maintenance Committee for each unit to be constituted in the prescribed

AMENDED BILL

Chairman to be known Bhauns Pramukh and other members not exceeding four who shall be nominated from among the cultivators in the Zone after ascertaining their wishes in this behalf in the prescribed manner.

The Bhauns Pramukh and members of the Managing Committee so nominated shall hold office for a period of three years from the date of nomination. The Managing Committees shall exercise such powers as the Board may determine, to enable the Managing Committees to discharge their duties.

(2) If any nominated member —

- (a) dies;
- (b) resigns;
- (c) refuses to act;
- (d) is, in the opinion of the Managing Committee, otherwise unfit to continue as member; or
- (e) absents himself from the meetings of the Managing Committee without the permission of the Bhauns Pramukh for three consecutive meetings of the Managing Committee; his office shall be deemed to have casually fallen vacant.

(3) All casual vacancies among the nominated members inclusive of the Bhauns Pramukh shall be filled up as soon as it conveniently may be by nomination under sub-section (1); and the person nominated to a casual vacancy shall hold office so long as the member in whose place he is nominated would have held it if the vacancy had not occurred.

(4) No Act done by the Managing Committee shall be questionable on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Managing Committee;

(5) The Managing Committee shall be a body corporate by the name of "the Zone Managing Committee" and shall be competent to contract and do all other acts necessary for discharg-

ORIGINAL BILL

manner and it shall be the duty of the Committee so appointed to maintain and repair embankments included in the Unit to which the scheme relates. The Committee shall exercise such powers and perform such other duties as the Board may determine.

(2) The Maintenance Committee shall be a body Corporate by the name of "The Maintenance Committee-Unit" and shall be competent to contract and do all such things necessary for the purpose of this Act. The committee shall act through its chairman.

(3) Without prejudice to the generality of the foregoing power, it shall be the duty of the Maintenance Committee —

- (i) to maintain, repair and keep watch on the embankments included in the unit in accordance with the direction which may be issued from time to time by the Secretary of the Board;
- (ii) to operate the sluice gates within the unit in accordance with the direction which may be issued from time to time by the Secretary;
- (iii) to ensure that fishing is done within the unit only by the persons authorised by the Board under section 26 and in accordance with the conditions set out in the licence and to prohibit any unauthorised fishing in the area within the unit;
- (iv) to prohibit the cutting of any trees or grass growing on the embankment or within a distance of two metres from the base of the embankment;
- (v) to plant and rear such species of trees on the embankment or within a distance of two metres from the base of the embankment as may be directed by the Secretary of the Board;
- (vi) to do such other acts as are necessary for the maintenance and repair of the embankment.

(4) To enable the Maintenance Committee to perform its duties, each Committee shall be paid by the Board such annual grants as may be sanctioned from time to time by the Board having regard to the embankments in its charge.

(5) If the Board is of the opinion that a Maintenance Committee is unable to perform or has persistently made default in the performing of duties imposed on it by or under this Act, or has

AMENDED BILL

ing its functions under this Act. The Managing Committee shall act through its Bhauns Pramukh. The Talathi of the Village specified by the Board shall be the ex-officio Secretary of the Managing Committee.

(6) It shall be the duty of the Managing Committee —

(i) to maintain, namely to keep watch on and to repair periodically or otherwise the embankments included in the Zone in accordance with the directions which may be received from time to time, from the Board;

(ii) to operate the sluice gates within the Zone in accordance with the directions which may from time to time be received from the Secretary of the Board;

(iii) to ensure that fishing is done within the Zone only by the persons authorized by the Board under section 8 and in accordance with conditions set out in the respective licence granted by the Board and that no unauthorised fishing is done in the area within the Zone;

(iv) to prohibit the cutting of any trees or grass growing on the embankment or within a distance of five metres from the base of embankment;

(v) to plant and rear such species of trees on the embankment or within a distance of two metres from the base of the embankment as may be directed by the Secretary of the Board;

(vi) to desilt and maintain drainage channels;

(vii) to carry out the directions that may be given by the Board from time to time in connection with item (1) above and

(viii) to maintain the accounts and other records as may be required by bye-laws framed under this Act.

(7) To enable the Managing Committee to perform its duties, it shall be paid by the Board such annual grants as may be sanctioned from time to time by the Board having regard to the embankments in its Zone.

(8) If the Board is of the opinion that a Managing Committee is unable to perform or has persistently made default in the performance of the duties imposed on it by or under this Act or has exceeded or abused its powers, or has failed to carry out the direction issued to it by the Board or its officers, the Board may, by order in writing,

ORIGINAL BILL

exceeded or abused its powers, or has failed to carry out the directions issued to it by the Board or its officers, the Board may by order in writing supersede the Maintenance Committee for such period as may be specified in the order:

Provided that before issuing the order under this sub-section, the Board shall give a reasonable time to the Maintenance Committee to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Maintenance Committee.

(6) Upon the passing of the order under sub-section (5) superseding the Maintenance Committee —

(a) all the members of the Maintenance Committee shall, as from the date of supersession, vacate their office as such members;

(b) all the powers and duties under the provisions of this Act to be exercised or performed by or on behalf of the Maintenance Committee shall, during the period of supersession, be exercised and performed by such person or persons as the Government may direct;

(c) the property vested in the Maintenance committee shall, during the period of supersession, vest in the Board, and

(d) all moneys with the Chairman of the superseded Maintenance Committee shall be handed over to the person or persons as the Board may direct within such period as may be specified failing that the said moneys shall be recovered from the said Chairman as arrears of land revenue and paid to the person or persons as the Board may direct.

(7) On the expiration of the period of supersession specified in the order issued under sub-section (5) the Board may —

(i) extend the period of supersession for such further term as it may consider necessary; or

(ii) reconstitute the Maintenance Committee in the manner provided in sub-section (1)".

AMENDED BILL

ORIGINAL BILL

surpse the Managing Committee for such period as may be specified in the order:

Provided that, before issuing the order under this sub-section the Board shall give a reasonable time to the Managing Committee to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Managing Committee;

(9) Upon the passing of the order under sub-section (8), superseding the Managing Committee. —

(a) all the members of the Managing Committee shall, as from the date of supersession, vacate their offices as such members;

(b) all the powers and duties under the provisions of this Act to be exercised or performed by or on behalf of the Managing Committee, shall, during the period of supersession be exercised and performed by such person or persons as the Board may direct;

(c) the property vested in the Managing Committee shall during the period of supersession, vest in the Board, and

(d) all moneys with any member or office bearer of the superseded Managing Committee shall be handed over to the person or persons as the Board may direct within such period as may be specified, failing which the said moneys shall be recoverable by the Board from such members or office bearer as arrears of land revenue jointly and severally.

(10) On the expiration of the period of supersession specified in the order issued under sub-section (8) the Board may —

(i) extend the period of supersession for such further term as it may consider necessary; or

(ii) re-nominate the Managing Committee in the manner provided in sub-section (1).

CHAPTER IV

Preparation of Schemes

12. Power of the Board to prepare Scheme. —

(1) The Board may, from time to time, prepare a scheme for the purpose of carrying out its duties under section 6.

(2) A scheme prepared under sub-section (1) shall contain the following particulars, namely: —

(i) the objects of the scheme;

(ii) the approximate area of the lands likely to be included in or affected by the scheme;

(iii) a plan showing the approximate area included in or affected by the scheme;

(iv) the names and addresses of the persons including the Government and Communitades covered by the scheme;

(v) the kind of embankment to be constructed or maintained under the scheme;

(vi) a detailed estimate of the cost of the scheme; and

9. Power of Board to prepare scheme. — (1) The Board may prepare a scheme for each unit for the purpose of carrying out its duties under section 8.

(2) A scheme prepared under sub-section (1) shall contain the following particulars, namely —

(i) the objects of the scheme;

(ii) the approximate area of the lands likely to be included in or affected by the scheme;

(iii) a plan showing the approximate area included in or affected by the scheme;

(iv) the persons, including the Govt. and the Comunidade, affected by the scheme;

(v) the kind of embankment to be constructed or maintained under the scheme;

(vi) a detailed estimate of the cost of the scheme;

AMENDED BILL

(vii) such other particulars as may be prescribed.

13. Publication of Scheme.—(1) The Board shall in the prescribed manner publish in the villages, lands in which are covered by the scheme prepared under section 12—

- (i) a draft of the scheme;
- (ii) a fifteen-day notice in the prescribed form inviting objections to the scheme.

(2) The Board shall, on publication of the scheme, require all persons affected by the scheme who wish to make any objections to the scheme or to any part thereof to submit their objections in writing to such person as the Board may authorise in this behalf or appear before him within fifteen days from the date of the publication of the scheme in the villages under sub-section (1).

14. Enquiries to be held summarily.—(1) The person authorised under sub-section (2) of section 13 shall, if, he desires to make any inquiry, make the inquiry in the manner provided for holding a summary inquiry under the Goa, Daman and Diu Land Revenue Code, 1969 (9 of 1969) and all the provisions contained in the said Code relating to the holding of a summary inquiry shall apply as far as may be:

Provided that the person or the Board making the inquiry need not record the minutes of the proceedings in his own hand and such minutes may be recorded by dictation.

(2) Such person as well as the Board shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the revenue officers, above the rank of Awak Karkun under the Goa, Daman and Diu Land Revenue Code, 1969 (9 of 1969).

15. Report of authorized person.—The person authorised by the Board under sub-section (2) of section 13 shall after giving an opportunity to the persons concerned to be heard, consider the objections received under the said sub-section (2) and submit to the Board his report together with his remarks on the objections and the recommendations regarding any modifications which are in his opinion required to be made in any of the particulars contained in the scheme prepared by the Board under section 12.

16. Finalization of the scheme.—(1) After consideration of the objections and the report submitted to it under section 15, the Board shall finalize the scheme with such modifications, if any, as it may consider necessary in the light of such report:

Provided that, if the scheme which is to be finalized by the Board involves an expenditure exceeding Rs. 40,000/-, such scheme will not be finalized by the Board except with the prior

ORIGINAL BILL

(vii) such other particulars as may be prescribed.

10. Publication of Scheme.—(1) The scheme prepared under section 9 shall be published in the Official Gazette and in the prescribed manner in the village in which the lands proposed to be included in the scheme are situated.

(2) The Board shall, on publication of the scheme, require all persons affected by the scheme who wish to make any objections to the scheme or part thereof to submit their objection in writing to such person as the Board may authorise in this behalf or appear before him within one month of the publication of the scheme in the Official Gazette under sub-section (1) or within fifteen days from the date of the publication of the scheme in the village under sub-section (1), whichever period expires later.

43. Inquiries to be held.—(1) The person authorised under sub-section (2) of section 10 shall if he desires to make any inquiry before submitting his report under section 11, shall be competent to make such inquiry.

(2) Such person as well as the Board shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the Civil Courts.

11. Report of authorised person.—(1) The person authorised under sub-section (2) of section 10 shall hear such objections as are made to him in person, consider all objections duly submitted under the said sub-section (2) and submit his report together with the objections to the Board.

(2) Such person may, while submitting his report under sub-section (1) recommend any modifications which in his opinion are required in any of the particulars contained in the scheme prepared by the Board under section 9.

12. Power of Government to sanction scheme with or without modification.—(1) After consideration of the objections and the report submitted to it under sub-section (1) of section 11 the Board shall within the period prescribed submit the draft scheme with any modifications which it may have made therein together with the objections forwarded to it, to the Government and shall at the same time apply for its sanction.

AMENDED BILL

approval of the Government who may within the time which may be prescribed, refuse such approval or give it with or without modifications and subject to such conditions as it may think fit to impose.

(2) The scheme finalized under sub-section (1) shall come into force on the date of its publication in the Official Gazette.

(3) The scheme so enforced, shall also be published in the prescribed manner, in the villages where the lands included in the scheme are situated.

(4) The decision of the Board on the question whether or not any land included in the scheme is, benefitted by, or will be protected under the scheme, shall be conclusive.

17. Execution of schemes.— (1) On the coming into force of a scheme the Board shall entrust its execution to the Managing Committee of the Zone to which the scheme mainly relates. The Board shall determine the Managing Committee who would be liable for such execution. In cases where the Board is of the opinion that the Managing Committee is not in a position to execute the scheme, it shall be open to the Board to get the scheme executed by any other person, in the prescribed manner, after entering into a written agreement with him.

(2) After the scheme is executed, the Board shall notify in the prescribed manner the date of completion of execution of the scheme to the persons liable to pay contributions under section 24.

(3) The Government may in its discretion, give such subsidy, advances or otherwise as may be asked for by the Board for the preparation and execution of schemes or for allied matters.

18. Power to vary scheme.— (1) If after the scheme has come into force, the Board considers that the scheme is defective on account of an error or irregularity, the Board may vary the scheme to rectify or cure such error or irregularity:

Provided that, if the scheme to be varied involves an expenditure exceeding Rs. 40,000/- or, as a result of the variation, the scheme involves a total expenditure exceeding Rs. 40,000/- the variation will not be made, except to the extent that may be approved by the Government.

(2) (a) If the Government is satisfied that the variation proposed by the Board is on account of an error or irregularity which does not vary the scheme in any material particulars, the Government may, by a notification in the Official Gazette, sanction the variation.

ORIGINAL BILL

(2) After receiving such application and after making such inquiry, as it may think fit, the Government may, within the period prescribed, sanction the scheme with or without modification and subject to such conditions as it may think fit to impose or refuse to give sanction.

(3) If the scheme is sanctioned under sub-section (2), it shall be published in the Official Gazette and in the prescribed manner in the village in which the lands included in the scheme are situated.

(4) In considering the objections, the decision of the Board on the question whether or not any land included in the scheme is benefitted by, or will be protected under, the scheme shall be conclusive evidence on the question.

13. Effect of scheme.— On the date on which the scheme is published in the Official Gazette under sub-section (3) of section 12, it shall come into force and shall have effect as if it were enacted in this Act.

14. Execution of scheme.— (1) After the scheme has come into force under this Act the Board shall execute the scheme in accordance with the rules prescribed in that behalf.

(2) After the scheme is fully executed the Board shall notify the date of completion of the scheme to the persons liable to pay contribution under section 27.

15. Power to vary scheme.— (1) If after the scheme has come into force, the Board considers that the scheme is defective on account of an error, irregularity or informality, the Board may apply to the Government for the variation of the scheme, in the manner specified in the application.

(2) (a) If the Government is satisfied that the variation proposed by the Board is on account of an error, irregularity or informality which does not vary the scheme in any material particulars, the Government may, by a notification in the Official Gazette, sanction the variation.

AMENDED BILL

(b) If, in respect of any variation of the scheme as aforesaid, the Board is of the opinion that the variation would result in enhancing the cost of scheme by more than ten per cent, the variation shall not be made except after following the procedure laid down from sections 12 to 16 in respect of the entire scheme.

19. Variation to form part of the scheme. — The variation made under section 18 shall take effect on the date of the publication of the notification under clause (a) of sub-section (2) of Section 13, in the Official Gazette as if such variations were incorporated in the scheme.

20. Power to revoke scheme. — If upon an application made by the Board for the purpose, the Govt. is satisfied that it is necessary so to do, the Government may, at any time, by notification in the Official Gazette, revoke the scheme.

21. Payment of compensation when scheme is revoked. — If in the case of a scheme revoked under section 20, any person has incurred any expenditure or sustained any loss as a result of his compliance with any regulation made under section 23, such person shall be entitled to receive such compensation as the Board may determine in accordance with the rules to be framed under the Act.

22. Further power to revoke scheme in other cases. — Notwithstanding anything contained in this Act, if, upon an application made by the Board, the Government is satisfied that the maintenance, construction or reconstruction of any embankment included in a scheme is no longer economical or technically feasible on account of any natural calamity like heavy floods, tempest, high tides, change of the course of a river, stream, nalla, creek, the Government may revoke the scheme and, upon such revocation all the provisions of this Act including the provision of section 21 shall cease to apply to such scheme:

Provided firstly that before issuing a notification under this section, the Government shall give a reasonable opportunity to landlords, tenants or landowners whose lands are covered by such scheme to show cause why the scheme should not be revoked and shall consider the objections, if any, of such landlords, tenants or landowners as the case may be:

Provided secondly that no person who had incurred any penalty under section 37 before the revocation of such scheme shall cease to be liable for such penalty.

ORIGINAL BILL

(b) If the Government is satisfied that the variation proposed by the Board varies the scheme in any material particulars, the Government shall require the Board to follow the provisions of section 10, 11 and 12 in respect of such variation, and the provisions of section 10, 11 and 12 shall apply in relation to such variation, as if such variation was itself a scheme.

16. Variation to form part of the scheme. — The variation sanctioned under section 15 shall take effect on the date on which the notification is published in the Official Gazette under clause (a) of sub-section (2) of section 15 or on the date on which the variation is published under sub-section (3) of section 12, as the case may be, as if it were incorporated in the scheme.

17. Power to revoke scheme. — If upon an application made by the Board for the purpose, the Government is satisfied that it is necessary so to do, the Government may at any time, by notification in the Official Gazette, revoke the scheme, notwithstanding anything hereinbefore contained.

18. Refund of contribution and payment of compensation when scheme is revoked. — If any scheme which has come into force is revoked under section 17, any person who has paid any contribution as required under section 27, shall be entitled to the refund of the amount of the contribution. If any person who has incurred any expenditure for the purpose of complying with any regulation made under section 20, such person shall also be entitled to receive such compensation as the Board may determine.

19. Further power to revoke scheme in other cases. — Notwithstanding anything in this Act, if upon an application made by the Board, the Government is satisfied that landlords or tenants or owners of lands benefited or protected by embankments included in a scheme which has come into force, do not co-operate with the Board in the proper maintenance and repairs thereof, or such maintenance and repairs are no longer economical or technically feasible on account of heavy floods, tempests, high tides, change of the course of a river, stream, nalla or creek or any natural calamity, the Government may, by notification in the Official Gazette, revoke the scheme and upon such revocation the provisions of this Act except section (41) shall cease to apply to such scheme. No person shall be entitled to the refund of any amount of the contribution or to any compensation upon such revocation:

Provided that before issuing a notification under this section, the Govt. shall give a reasonable opportunity to such landlords or tenants or owners to show cause why the scheme should not be revoked and shall consider the explanations and objections, if any, of such landlords or tenants or owners.

AMENDED BILL

23. Power of Board to make regulations.—For the purpose of carrying out the objects of the scheme coming into force under this Act, the Board may make regulations requiring any person or class of persons who, in the opinion of the Board, is or are interested in or affected by the scheme or the public generally, to take certain action or to refrain from doing certain acts in respects of any matters supplementary or incidental to the scheme.

24. Contribution towards cost of scheme.—(1) The cost of the scheme which has come into force under section 16 shall be met by contributions to be determined by the Board in accordance with the following provisions, namely:—

(a) The Government shall contribute 50 per cent towards cost of every scheme.

(b) In respect of those lands included in a scheme, which on the date on the coming into force of a scheme are not held by tenants, 50 per cent of the cost shall be contributed by the landowners in proportion to the areas of their respective holdings covered by the scheme.

(c) In respect of those lands included in a scheme which on the date of coming into force of the scheme are held by tenants 42% of the cost shall be contributed by the tenants in proportion to the areas of their respective holdings covered by the scheme and 8 per cent by the landlords in proportion to the areas of their respective holdings covered by the scheme:

Provided that, if on any day subsequent to the date of coming into force of a scheme and prior to the date due for payment of the last and final instalment of the contribution by the tenant in respect of any land, the land ceases to be held by a tenant, the balance of the contribution remaining due shall be the liability of the landlord in addition to his own normal liability under this section.

(d) If any of the lands included in a scheme is held by more than one landowner, landlord or tenant and if any dispute arises as to the amount of contribution to be paid by such landowner, landlord or tenant, the question shall be referred to the Mamlatdar's Court having jurisdiction over the land of the persons between whom such disputes exist and the decision of the Mamlatdar's Court shall subject to the decision of the Collector in the appeal, if any, preferred to him within sixty days from the date of Mamlatdar's Court decision be final.

(2) Once the contribution of the Government, landowners, landlords and the tenants are determined in terms of subsection (1), the Board shall in the prescribed manner notify to each of the persons whose land is included in the scheme, the amount to be contributed by each of them and shall direct each of them to deposit within such time and manner as may be prescribed, the amounts to be contributed, by him.

ORIGINAL BILL

20. Power of Board to make regulations.—For the purpose of carrying out the objects of the scheme which has come into force under this Act, the Board may make regulations requiring any person or class of persons who in the opinion of the Board is or are interested in or affected by the scheme or the public generally to take certain action or to refrain from doing certain acts in respect of any matters supplementary and incidental to the scheme.

27. Contribution towards cost of scheme.—(1) The cost of the scheme which has come into force under section 13 shall be met by contribution between the Government, the landowners, the landlords and the tenants thereof in accordance with the following provisions, namely:—

(a) The Government shall contribute 50 per cent of the cost and if lands included in the scheme are not leased 50 per cent of the cost shall be borne by the landowners.

(b) If all or any of the lands included in the scheme are leased, 8 per cent of the cost shall be borne by the landlords notwithstanding anything to the contrary contained in any law, agreement, custom or usage relating to the liability of the tenants to pay such cost and 42% cost shall be borne by the tenants.

(c) If the lands included in a scheme are held by more than one landowner, landlord or tenant and if any dispute arise as to the amount of contribution to be paid by such landlord, landowner or tenant, the question shall be referred to the Mamlatdar and the decision of the Mamlatdar, subject to an appeal to the Collector within sixty days from the date of such decision, shall be final.

(2) The contribution payable under section (1), shall be paid in ten equal or nearly equal annual instalments. The first instalment shall be paid before the 31st December of the year in which crops are raised for the first time after the date of completion of the scheme notified by the Board under sub-section (2) of section 14. The subsequent instalments shall be paid before the 31st December of each succeeding year.

AMENDED BILL

(3) The contribution payable under sub-section (1) shall be paid in such number and amount of annual instalment as may be prescribed. The first instalment shall be payable on or before the 31st day of March of the year following the first agricultural season subsequent to the date of completion of execution of the scheme as notified by the Board under sub-section (2) of section 17. Each of the subsequent instalments would be payable by the 31st day of March of succeeding years.

(4) In case of any instalment not paid by the last date fixed for the purpose under sub-section (3), interest at a rate of six per cent per annum shall be payable by the defaulter.

CHAPTER V

Of the Budget, Audit and Fund

25. **Presentation of Budget estimates.**—The budget estimates of the Board for each financial year shall be presented to the Board before the 1st day of March of the preceding financial year by the Chairman and the Budget as finally passed shall be subject to the approval of the Government which shall have power to reduce any item in the estimates of expenditure and to restore any provision which it considers to be essential for the safe and efficient conduct of the business of the Board.

26. **Restriction on unbudgeted expenditure.**—

(1) Save where, in the opinion of the Board, circumstances of extreme urgency have arisen, no sum exceeding twenty-five thousand rupees shall be expended by the Board unless such sum has been included in the budget approved by the Govt. under section 25.

(2) Where any such sum is expended under circumstances of extreme urgency a report thereon shall be made as soon as practicable to the Govt.

27. **Custody and disbursement of monies.**— (1) All monies received by the Board shall be credited into a separate account maintained for the purpose in the Government Treasury or in the State Bank of India or in both of them in parts.

ORIGINAL BILL

(3) Interest at the rate of six per cent per annum shall be payable on the instalment paid after the period prescribed in sub-section (2).

(4) The Government may prescribe by rules made in this behalf the manner in which and the extent to which the contribution payable by the landlords, landowners and tenants under this section may be levied in lieu of cash payment.

(5) The contribution payable by the landlords, the landowners and the tenant in respect of any land shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge on such land or the interest in such land, as the case may be, held by the person liable to pay such contribution.

29. **Liability of person in possession of land to pay contribution.**—When any person primarily liable to pay any contribution under section 27 or 28 makes a default, the amount of such contribution, which may be due, shall be recoverable from any person in possession of the land:

Provided that where any amount is recovered under this section from a person who is not primarily liable for the same, such person shall be allowed credit for any payments which he may have duly made to the person who is primarily liable and shall be entitled to credit for the amount recovered from him, in account with the person who is primarily liable.

30. **Presentation of budget estimates.**—The budget estimates of the Board for each financial year shall be presented to the Board before the 1st day of March in the preceding financial year by the Chairman and the Budget as finally passed shall be subject to the approval of the Government which shall have power to reduce any item in the estimates of expenditure and to restore any provision which it considers to be essential for the safe and efficient conduct of the business of the Board.

31. **Restriction on unbudgeted expenditure.**—

(1) Save where in the opinion of the Board circumstances of extreme urgency have arisen, no sum exceeding twenty-five thousand rupees shall be expended by the Board unless such sum has been included in the budget approved by the Government under section 30.

(2) Where any such sum is expended under circumstances of extreme urgency a report thereon shall be made as soon as practicable to the Government.

32. **Custody and disbursement of moneys.**— (1) All moneys received by the Board shall be credited into a separate account maintained for the purpose in the Government Treasury.

AMENDED BILL

(2) All funds for disbursement shall be drawn by means of cheques which shall be signed by the Chairman of the Board, or such other member of the Board as the Chairman, may, with the approval of the Board, authorise in this behalf.

28. Supply of copies of budget and accounts. — The Board shall by the prescribed date furnish to the Government for each financial year a copy of its budget and of the accounts of the preceding financial year. The Government shall in turn, place a copy of the said budget and accounts on the Table of the Legislative Assembly of the Union Territory of Goa, Daman and Diu, as soon as may be.

29. Provisions of audit. — The accounts of the Board shall be maintained in such form and shall be subject to such audit, by such agency and on such forms and conditions as may be prescribed.

30. Levy of annual maintenance. — (1) The annual maintenance contribution may be levied at a rate per hectare to be fixed by the Board for any Zone taking into consideration the total expenditure incurred for the maintenance of the embankments in that Zone during the Calendar Year preceding the year for which the levy is to be fixed and the total area of the lands included in that Zone.

(2) In cases where the khajan land concerned is held by a tenant, the share of the annual maintenance contribution payable by the tenant shall be five-sixth of the total maintenance contribution leviable in respect of such khajan land, and the balance shall be payable by the landlord:

Provided that in cases of the khajan lands not held by a tenant, the landowner shall pay full annual maintenance contribution.

(3) The Board shall, in the prescribed manner, publish a separate statement for each zone specifying the amount payable by each land owner, landlord and tenant by way of annual maintenance contribution.

(4) Each land owner, landlord and tenant shall within three months from the date of publication of the statement under sub-section (3), pay in the Taluka sub-treasury the respective amount specified in such statement.

31. Fund. — (1) The Board shall have its own fund and the following moneys shall be placed to the credit thereof: —

(a) the price received under section 8;

ORIGINAL BILL

(2) All funds for disbursement shall be drawn by means of cheques which shall be signed by the Chairman of the Board or such other member of the Board as the Chairman may, with the approval of the Board, authorise in this behalf.

34. Supply of copies of budget and accounts. — The Board shall furnish each financial year to the Government a copy of its budget and of the accounts of the preceding financial year.

33. Provision for audit. — The account of the Board shall be maintained in such form and shall be subject to such audit, by such agency and on such terms and conditions as the Government may prescribe.

28. Levy of annual maintenance and sinking fund contribution. — (1) All landlords, landowners and tenants of lands benefited or protected by embankments included in a scheme under this Act and of lands included in the units formed under section 8 shall pay to the Board an annual maintenance contribution (which shall include supervision charges) and also an annual sinking fund contribution. The two contributions shall be levied and paid in such manner and at such rates and subject to such conditions, if any, as may be prescribed.

(2) The decision of the Board on the question whether any land is benefited or protected by an embankment under this Act shall be conclusive evidence on such question.

(3) Notwithstanding anything contained in sub-section (1), the Board may, in such circumstances as may be prescribed, suspend or remit wholly or partially the payments of both or either of the contributions by such landlords, tenants or land owners as it may specify in this behalf.

(4) Any contribution payable under this section shall, subject to the prior payment of the land revenue, if any, due to the Government thereon be a first charge on such land or the interest in such land, as the case may be, held by the person liable to pay such contribution.

36. Sinking fund. — The Board shall have also a sinking fund to which shall be credited the annual sinking fund contributions paid to the Board under section 28. The Board may apply the sinking fund to the repair of breaches in embankments included in a scheme caused by tempest, flood or other irresistible force and to such other purposes as may be prescribed.

35. Fund. — (1) The Board shall have its own and the following moneys shall be placed to the credit thereof —

(a) the fees received under section 26;

AMENDED BILL

ORIGINAL BILL

- (b) all contributions received or recovered by the Board under section 24;
- (c) the annual maintenance contribution received by the Board under section 30;
- (d) fine levied under section 37;
- (e) the amounts recovered under this Act, and
- (f) subsidies received from the Government under section 17.

(2) The balances of the fund and the interest accruing thereon shall be expended by the Board in such manner and for such purposes as may be prescribed.

CHAPTER VI

Miscellaneous

32. Prohibition of cutting of trees and grass and use of explosives.—(1) No person shall except with permission of the Managing Committee or the Board cut any tree or grass or other vegetation growing on an embankment or within a distance of five metres from the base of such embankment.

(2) No person shall keep, store or explode any explosive within a distance of 20 metres from the base of an embankment.

33. Damage to embankment or trees or grazing prohibited.—(1) No person shall by any act or omission cause damage to any embankment or to the trees standing on the embankment or within a distance of five metres on either side from the base of the embankment.

(2) No person shall allow his cattle to graze on the embankment.

34. Same as original.

35. Registration of documents plan or map in connection with scheme not required.—(1) Nothing in the Indian Registration Act, 1908 (16 of 1908) shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with the formation of a Zone or preparation of a scheme which has come into force under this Act.

(2) All such document, plans and maps shall, for the purposes of sections 48 and 49 of the Indian Registration Act, 1908 (16 of 1908) be

(b) all contributions paid to the Board under section 27;

(c) the annual maintenance contributions paid to the Board under section 28; and

(d) fine levied under section 39.

(2) The balances of the fund and the interest accruing thereon shall be expended by the Board in such manner and for such purposes as may be prescribed.

37. Cutting of trees, grass, etc. prohibited.—No person shall cut any tree or grass or other vegetation growing on an embankment or within a distance of five metres from the base of such embankment, except with permission of the Maintenance Committee or the Board.

38. Damage to embankment or trees prohibited.—No person shall by any act or omission cause damage to any embankment or to the trees standing on the embankment or within a distance of five metres on either side from the base of the embankment, or to any sluice gate or other works.

39. Grazing on embankment prohibited.—(1) No person shall allow his cattle to graze on the embankment.

(2) Any cattle found to be grazing on an embankment shall be liable to be impounded by the Maintenance Committee or a servant of the Board.

(3) The cattle so impounded shall be released only on payment to the Board of a fine of five rupees per cattle and the maintenance charges at such rate as may be fixed by the Board from time to time.

41. Recovery of amounts due.—All amounts due under this Act shall be recoverable as arrears of land revenue.

44. Registration of document, plan or map in connection with scheme not required.—(1) Nothing in the Indian Registration Act, 1908 shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a scheme which has come into force under this Act.

(2) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of the Indian Registra-

AMENDED BILL

deemed to be registered in accordance with the provision of that Act:

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

36. Right of entry.—For the purpose of preparing, sanctioning or executing any scheme or otherwise for carrying out the objects of this Act, any person duly authorised by the Board or the Managing Committee may, after giving such notice as may be prescribed, to the landowner or occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purposes.

37. Penalty.—Any person who contravenes or causes any contravention of any of the provisions of a scheme which has come into force under section 16 of any of the regulations made under section 23 or does any act which causes damage to any of the works carried out under the scheme or contravenes the provisions of sub-section (1) of section 8 or sections 32, 33 or fails to comply with the conditions of a licence granted under sub-section (1) of section 8 or obstructs any person in the due exercise of his powers or execution of his duties under this Act or contravenes the provisions of any rules made under this Act, shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

38. Certain persons to be public servants.—The Chairman, the nominated members, the Secretary and the Chief Accountant Officer of the Board, the Bhauns Pramukh, the members of Managing Committee, and servants appointed by the Board and the person authorized under sub-section (4) of section 10 or sub-section (2) of section 13 shall be deemed to be public servants within the meaning of the Indian Penal Code 1860, (45 of 1860).

39. Protection of persons acting in good faith.—
(1) No suit, prosecution or other legal proceedings shall be instituted against any public servants or person duly authorized under this Act in respect of anything in good faith done or intended to be done under this Act or the rules or the regulations made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision contained in this Act or any rules made thereunder or by anything in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

40. Acquisition of land, right or interest.—If at any time, on an application of the Board, it appears to the Government that any land or the right or interest of any person in any land should, for the purposes of any scheme under the Act, be compulsorily acquired, it shall be lawful for the

ORIGINAL BILL

tion Act, 1908, be deemed to be registered in accordance with the provisions of that Act: 16 of 1908

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

42. Right of entry.—For the purpose of preparing, sanctioning or executing any scheme or otherwise for carrying out of objects of this Act any person duly authorised by the Board or the Maintenance Committee appointed by the Board under this Act may after giving such notice prescribed, to the land owner or occupier or other person interested in any land enter upon and survey and mark out such land and do all acts necessary for such purposes.

40. Penalty.—(1) Any person who contravenes or causes any contravention of any of the provisions of a scheme which has come into force under section 13 or any of the regulations made under section 20 or does any act which causes damage to any of the works carried out under the scheme or contravenes the provisions of sub-section (1) of section 26 or sections 37, 38 or 39 or fails to comply with the conditions of a licence granted under sub-section (2) of section 26 or obstructs any person in the due exercise of his powers or execution of his duties under this Act or contravenes the provisions of any rules made under this Act, shall on conviction be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

45. Certain person to be public servants.—The Chairman, members and Secretary, the members of any committee or officers appointed by the Board and the person authorized under sub-section (2) of section 10 shall be deemed to be public servants within the meaning of the Indian Penal Code, 1860. 45 of 1860

46. Protection of person acting in good faith.—
No suit, prosecution or other legal proceedings shall be instituted against any public servant or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

(2) No suit or prosecution shall be instituted against any public servant or person duly authorized under this Act in respect of anything done or intended to be done under this Act, unless the suit or prosecution has been instituted within six months from the date of the act complained of.

22. Acquisition of land, right or interest.—If at any time, on an application of the Board, it appears to the Government that any land or the right or interest of any person in any land should for the purposes of any scheme under this Act be compulsorily acquired, it shall be lawful for the

AMENDED BILL

Government to publish a notification to that effect in the Official Gazette. The Notification so published shall be deemed to be a declaration under section 6 of the Land Acquisition Act, 1894 (1 of 1894) and shall be conclusive as if it was made under the said provision and the land, right or interest in the land shall be deemed to be needed for a public purpose within the meaning of said Act. On the publication of the notification, the Collector shall proceed to take order for the acquisition of the land, right or interest, as the case may be, and the provisions of the said Act shall mutatis mutandis apply to the determination of the amount of compensation, the apportionment of the compensation and other matters relating to the acquisition of the said land, right or interest. The Government may make rules in all matters connected with the enforcement of the said provisions in so far as they are applicable to the acquisition of such land, right or interest.

41. Claim for compensation for consequential damage.—Whenever any land other than land acquired for the purpose of this Act or any right of fishery, right of drainage, right of the use of water or other right or property shall have been injuriously affected by any scheme executed, under the provisions of this Act, the person in whom such property or right is vested may prefer a claim in writing to the Collector for compensation and thereupon the provisions of the Land Acquisition Act, 1894 (1 of 1894) shall, so far as may be, mutatis mutandis, apply for the determination of the compensation, apportionment and payment thereof.

42. Limitation to claim for compensation.—No claim under section 40 shall be entertained if it is made later than two years after the date of completion of the work by which such right is injuriously affected.

43. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this Section after the expiration of three years from the commencement of this Act.

44. Rules.—(1) The Government may, by notification in the Official Gazette make rules for the purpose of carrying into effect the provisions of this Act.

ORIGINAL BILL

Government to publish notification to that effect in the Official Gazette. The notification so published shall be deemed to be a declaration under section 6 of the Land Acquisition Act, 1894, and shall be conclusive as if it was made under the said provision and the land, right or interest in the land shall be deemed to be needed for a public purpose within the meaning of the said Act. On the publication of the notification, the Collector shall proceed to take order for the acquisition of the land, right or interest, as the case may be, and the provisions of the said Act shall mutatis mutandis apply to the determination of the amount of compensation, the apportionment of the compensation and other matters relating to the acquisition of the said land, right or interest. The Government may make rules, in all matters connected with the enforcement of the said provisions in so far as they are applicable to the acquisition of such land, right or interest.

23. Claim for compensation for consequential damage.—Subject to the provisions of section 25, whenever any land other than land acquired for the purposes of this Act or any right of fishery, right of drainage, right of the use of water or other right of property shall have been injuriously affected by any act done, or any scheme executed, under the provisions of this Act, the person in whom such property or right is vested may prefer a claim in writing to the Collector for compensation and thereupon the provisions of the Land Acquisition Act, 1894, shall, as far as may be, mutatis mutandis, apply for the determination of the compensation, apportionment and payment thereof.

24. Limitation to claim for compensation.—No claim under section 23 shall be entertained if it is made later than two years next after the completion of the work by which such right is injuriously affected.

25. No compensation in certain cases for use or removal of earth.—Any land which, before the commencement of this Act, has been used for the purpose of obtaining earth or other materials for the construction or repair of any embankment shall be deemed to be at the disposal of the Board for such purpose without payment of compensation for the use or removal of such earth or other material.

49. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act (including any difficulty in relation to the transition from the enactments in force before the commencement of this Act to the provisions of this Act), the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiration of three years from the commencement of this Act.

47. Rules.—(1) The Government may, by notification in the Official Gazette make rules for the purpose of carrying into effect the provisions of this Act.

AMENDED BILL

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters: —

(a) the other objects for which a scheme may be prepared by the Board under clause (d) of sub-section (2) of section 6;

(b) proposal to be sent to the Government under clause (j) of sub-section (2) of section 6;

(c) the price for the grant of a licence, the restrictions subject to which and the conditions on which a licence shall be granted the form of the licence and the particulars to be contained therein, under section 8;

(d) the manner of constituting a Zone under sub-section (1) of section 10 and of a Managing Committee for each Zone under section 11.

(e) the other particulars to be prescribed under clause (vii) of sub-section (2) of section 12;

(f) execution of a scheme by a person, other than a managing committee under sub-section (1) of section 17;

(g) notification of the date of completion of execution of a scheme under sub-section (2) of section 17.

(h) the form of accounts to be maintained, the agency of audit, and the terms and conditions of audit under section 29;

(i) the manner in which, the rate at which and the conditions subject to which the annual maintenance contribution shall be levied and paid under Section 30;

(j) the manner in which and the purposes for which balances of the fund and the interest accruing thereon shall be expended under sub-section (2) of section 31;

(k) the manner in which the documents, plans and maps relating to the sanctioned scheme shall be accessible to the public under the proviso to sub-section (2) of section 35;

(l) the notice to be given under section 36; and

(m) any other matter which is or may be prescribed under this Act.

(3) All rules made under this section shall be subject to the condition of previous publication and every rule shall be laid, as soon as may be after it is made, before the Legislative Assembly

ORIGINAL BILL

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters: —

(a) the other objects for which a scheme may be prepared by the Board under clause (d) of sub-section (2) of section 8;

(b) the other particulars to be prescribed under clause (vii) of sub-section (2) of section 9;

(c) the period within which the Board shall submit the draft scheme and the period within which the Government may sanction the draft scheme under section 12;

(d) execution of a scheme under section 14;

(e) the manner of constituting a unit under sub-section (1) of section 21 and of a committee for such unit under sub-section (1) of section 21;

(f) matters connected with the acquisition of land, right or interest under section 22;

(g) the fees for the grant of a licence, the restrictions subject to which and the conditions on which a licence shall be granted, the form of the licence and the particulars to be contained therein under section 26;

(h) the manner in which and the extent to which the contribution payable under section 27 may be levied in lieu of cash payment;

(i) the manner in which, the rate at which and the conditions subject to which the annual maintenance contribution and the annual sinking fund contribution shall be levied and paid under sub-section (1) of section 28, and the circumstances in which the payment of any annual contribution may be suspended or remitted by the Board under sub-section (3) of the said section;

(j) the form of accounts to be maintained, the agency of audit, and the terms and conditions of audit, under section 33;

(k) the manner in which and the purposes for which balances of the fund and the interest accruing thereon shall be expended under sub-section (2) of section 35;

(l) the other purposes for which sinking fund may be applied under section 36;

(m) the notice to be given under section 42;

(n) the manner in which the documents, plans and maps relating to the sanctioned scheme shall be accessible to the public under the proviso to sub-section (2) of section 44;

(o) any other matter which is or may be prescribed under this Act.

(3) All rules made under this Act shall be subject to the condition of previous publication and every rule shall be laid, as soon as may be after it is made, before the Legislative Assembly of

AMENDED BILL

of Goa, Daman and Diu while it is in session for a total period of fourteen days which may be comprised in one session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the House agreed in making any modification in any such rule or the House agreed that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice, to the validity of anything previously done under that rule.

45. **Repeal and amendment.**— (1) The enactments specified in Schedule I to this Act are repealed to the extent mentioned in the column (2) thereof.

(2) The enactments specified in Schedule II shall be amended to the extent mentioned in the column (2) thereof.

(3) Nothing in sub-section (1) and (2) shall affect anything done or any action taken or any proceedings or any order passed or liability incurred under the enactments which have been repealed or amended and such order shall be in force as if this Act was not passed. Any proceedings started under any of the enactments which have been repealed or amended and pending on the date of the coming into force of this Act shall be continued and disposed of, as if this Act was not passed.

SCHEDULE I

(See Section 45)

Enactment Repealed

Name of the enactment (1)	Extent of repeal (2)
Legislative Diploma No. 1776 dated 20th March, 1958.	(Clause (c) of Article 10, Article 12 and Article 13).
The Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964)	(Sub-sections (3), (3A), (4), (5) and (6) of section 26, Section 35 sub-section (3) of section 38 and section 42-A).

SCHEDULE II

(See Section 45)

Name of the enactment (1)	Extent of amendment (2)
The Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964).	In section 38, in sub-section (1): (i) the words «the right to operate and the duty and responsibility of maintaining such sluice gate or other contrivance, as also» shall be deleted; and (ii) After the words «in the vicinity thereof, shall,» the words «subject to the provisions of the Goa, Daman and Diu Khajan Lands Act, 1971» shall be inserted.

ORIGINAL BILL

Goa, Daman and Diu while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the House agreed in making any modification in any such rule or the House agreed that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

48. **Repeal and amendment.**— (1) The enactments specified in Schedule I to this Act are repealed to the extent mentioned in the column (2) thereof.

(2) The enactment specified in Schedule II shall be amended to the extent mentioned in the column (2) thereof.

(3) Nothing in sub-section (1) and (2) shall affect anything done or any action taken or any proceedings on any order passed or liability incurred under the enactments which have been repealed or amended and such order shall be in force as if this Act was not passed. Any proceedings started under any of the enactments which have been repealed or amended and pending on the date of the coming into force of this Act shall be continued and disposed of, as if this Act was not passed.

SCHEDULE I

(See Section 48)

Enactment Repealed

Name of the enactment (1)	Extent of repeal (2)
Legislative Diploma No. 1776 dated 20th March, 1958.	Clause (c) of Article 10, Article 12 and Article 13 shall be omitted.
The Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964)	Sub-section (3), (3A), (4), (5) and (6) of section 26 sub-section (3) of section 38 and section 42-A shall be omitted.

SCHEDULE II

(See Section 48)

Name of the enactment (1)	Extent of amendment (2)
The Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964).	In section 38, in sub-section (1) — (i) the words «the right to operate and the duty and responsibility of maintaining such sluice gate or other contrivance, as also» shall be deleted; and (ii) after the words «in the vicinity thereof, shall» the words «subject to the provisions of the Goa, Daman and Diu Khajan Lands Act, 1969» shall be inserted.

LA/A/7/293/71

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 17th February, 1971 is hereby published for general information in pursuance of the provisions of Rule 127 of the Rules of Procedure and Conduct of Business of Legislative Assembly.

THE GOA, DAMAN AND DIU SUPPLEMENTARY APPROPRIATION BILL, 1971

(Bill No. 4 of 1971)

A BILL to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services and purposes of the financial year 1970-71.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty Second Year of the Republic of India as follows:—

1. **Short title.**— This Act may be called the Goa, Daman and Diu Supplementary Appropriation Act, 1971.

2. **Issue of Rs. 1,41,41,900 out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1970-71.**— From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum one crore, forty one lakhs forty one thousand and nine hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1970-71 in respect of the services and purposes specified in column 2 of the Schedule.

3. **Appropriation.**— The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See Sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding			Total
		Voted by Assembly	Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu		
1	2	Rs.	Rs.	Rs.	
2.	State Excise Duties	53,000	—	53,000	
4.	Sales Tax ...	30,000	—	30,000	
—	Interest on Debt and Other Obligations	—	31,11,000	31,11,000	
8.	Parliament and State/Union Territory Legislature	1,59,300	4,100	1,63,400	

1	2	3.	Rs.	Rs.	Rs.
9.	General Administration ...		3,59,300	—	3,59,300
12.	Police ...		2,50,000	—	2,50,000
16.	Medical ...		9,22,600	—	9,22,600
19.	Animal Husbandry		3,01,000	—	3,01,000
22.	Community Development Projects, National Extension Service and Local Development Works ...		1,02,000	—	1,02,000
24.	Miscellaneous, Social and Developmental Organisations		100	—	100
26.	Electricity Schemes		61,08,000	—	61,08,000
27.	Public Works ...		14,62,000	—	14,62,000
30.	Road and Water Transport Schemes ...		1,18,900	—	1,18,900
33.	Forest ...		2,66,900	—	2,66,900
34.	Miscellaneous ...		100	—	100
35.	Other Miscellaneous Compensations and Assignments		10,900	—	10,900
38.	Capital Outlay on Industrial and Economic Development ...		8,82,600	—	8,82,600
42.	Capital Outlay on Other Works ...		100	—	100
GRAND TOTAL ...			49,10,26,800	31,15,100	1,41,41,900

Financial memorandum

Provision is made in the Bill to appropriate for certain services and purposes expressed in the Schedule during the financial year ending 31st March, 1971, a sum of Rs. 1,41,41,900 over and above the amounts granted for those services for the financial year 1970-71. The amount mentioned above consists of Rs. 1,32,59,200 on Revenue Account and Rs. 8,82,700 on Capital Account. This also includes amounts to be reimbursed to the Contingency Fund of this Union territory towards advances made from that Fund.

Statement of objects and reasons

This Bill is introduced in pursuance of section 29(1) of the Government of Union Territories Act, 1963, to provide for the Supplementary Appropriation out of the Consolidated Fund of the Union territory of Goa, Daman and Diu of the moneys required to meet the amounts required on certain services during the financial year, 1970-71 in excess of the amounts granted for those services.

Panaji,
17th February, 1971.

DAYANAND B. BANDODKAR
Chief Minister

Notification

LA/A/7/304/71

In exercise of the powers conferred on him by Rules of Procedure and Conduct of Business of Legislative Assembly of Goa, Daman and Diu, the

Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Administration of Evacuee Property (Amendment) Bill, 1971

(Bill No. 5 of 1971)

A Bill further to amend the Goa, Daman and Diu Administration of Evacuee Property Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-second year of the Republic of India, as follows:—

1. Short title and commencement. —

i) This Act may be called the Goa, Daman and Diu Administration of Evacuee Property (Third Amendment) Act, 1971.

ii) It shall come into force at once.

2. Amendment of Section 2. — After the existing proviso to item (b) of section 2 of the Goa, Daman and Diu Evacuee Property Act, 1964 the following second proviso shall be inserted, namely:—

“Provided further that any person who left the territory of Goa, Daman and Diu for any place outside India whether before or after the 6th day of December, 1961 and held an Indian passport at the time of such departure shall not be deemed to be an evacuee”.

Financial memorandum

No financial commitment is involved in this Bill. There will be no extra expenditure in its enforcement.

Statement of objects and reasons

When the Goa, Daman and Diu Administration of Evacuee Property Amending Bill, 1969 as passed by the Legislative Assembly during the first Session of the year 1970 was submitted to the Government of India for obtaining the President's assent, the Government of India pointed out that some of the provisions of the said Bill might operate prejudicially against Indian citizens who have gone abroad bona-fide for pursuit of business or other vocations. As there was no intention of this Administration to prejudice the interest of such Indian citizens, this Administration clarified to the Government of India that the necessary further amendment would be undertaken to put the matter beyond doubt. The present Bill purports to achieve the said object by introducing a provision to the effect that any person who holding an Indian passport, left this Union Territory for any place outside India shall not be deemed to be an Evacuee within the meaning of Goa, Daman and Diu Administration of Evacuee Property Act, 1964.

Panaji,
16th February, 1971.

D. B. BANDODKAR
Chief Minister

Assembly Hall,
Panaji,
18th February, 1971.

O. P. GARG
Secretary to the Government
of Goa, Daman and Diu

Industries and Power Department

Notification

2/56/70-71/IPD

In exercise of the powers conferred by section 23 read with section 51A of the Indian Electricity Act 1910 and in supersession of Notification No. I&L/CE/902/68/2170 dated 8th August, 1968 the Lieutenant Governor of Goa, Daman and Diu is pleased to revise the existing tariffs in force in respect of (4) Tariff-LTAG/Agricultural and (7) Tariff-HTI/Industrial as given below. In addition an alternative tariff (3A) Tariff-S.S.I./Motive Power is introduced as detailed below. These charges will come into force with effect from 1st March, 1971 i.e. energy consumed during the month of March 1971 or major part thereof will be charged at these revised tariffs.

All other tariffs mentioned in above notification remain unaltered.

The above referred revisions are however provisional and are subject to the approval of the Govt. of India.

3A) Tariff-S.S.I./Motive Power

	Tariff		Remarks
	Applicable to	Paise/	
	small scale Industrial consumers for general motive power service where connected load is not more than 150 KVA either at L.T. or at 11 KV.	Unit (KWH) during the month.	
		12	Supply under this tariff will be given for a minimum of 3 B.H.P. If any load less than 2 BHP is required by the consumer minimum bill shall be charged on the basis of 3 BHP.

Minimum Charges: Rs 3/- per month per K. V. A. of connected load or part thereof or Rs. 36/- per year per KVA of connected load or part thereof for seasonal load.

Note (1): For this category of consumers power factor should not fall below 0.8. In the event of the average power factor being lower than 0.8 the consumer shall take measures to raise it within a reasonable time, failing which the Electricity Department may take necessary action to correct the power factors and the cost thereof shall be recovered from the consumer.

(2) This tariff is an optional tariff to 3. Tariff-LTP/Motive Power and 7. Tariff HTI/Industrial and is available for all the small scale industries registered with the Director of Industries, Panaji as such. This option will be available to the small scale industries till such time as the Director of Industries, Govt. of Goa, Daman and Diu certifies them to be small scale Industries.

4) Tariff LTAG/Agricultural Tariff

	Tariff		Remarks
	Applicable to	Paise/	
	irrigation pumping.	Unit (KWH) during the month.	
		12	Bonafide lighting of the pump house upto 5% of the motive power consumption permissible under this category and excess chargeable at 20 paise per KWH.

Minimum Charges: — Rs. 36/- per year per H. P. of connected load or part thereof subject to a minimum of 2 H. P.

Note: For this category of consumers power factor should not fall below 0.8. In the event of the average power factor being lower than 0.8 the consumer shall take measures to raise it within a reasonable time, failing which the Electricity Department may take necessary action to correct the power factor and the cost thereof shall be recovered from the consumer.

7) Tariff-HTI-Industrial

Applicable to supply of power at 11 KV and above for contract demands above 100 KVA for industries, factories, water and sewage pumping and other purposes as may be decided by the Chief Electrical Engineer.

Demand charges	Plus	Energy charges
Rs. 10/- per KVA per month for the first 500 KVA of billing demand.		8 Ps. per KWH for the first 180 KWHs per month per KVA of billing demand.
Rs. 9/- per KVA per month for the first 1500 KVA of billing demand.		8 Ps. per KWH for the next 180 KWHs per month per KVA of billing demand.
Rs. 8/- per KVA per month for the next 3000 KVA of billing demand.		7 Ps. for all additional KWH consumed in the month.
Rs. 7/- per KVA per month for all in excess of 5000 KVA of billing demand.		

Minimum Charges: Monthly demand charges on billing demand plus energy charges for energy consumed during the month.

- Note:** (a) Lighting upto 10% of the monthly energy consumption is allowed under HTI Tariff, for bonafide factory purposes. Excess is chargeable at 20 Ps. per KWH.
- (b) For staff quarters, guest houses, street lighting in the colony situated separately from the main factory building and when distributing lines, services lines, meters etc. are permitted to be owned and maintained by the H. T. Consumers all energy consumed will be charged at 15 Ps. per KWH.
- (c) Power factor should not fall below 85% otherwise liable for disconnection.
- (d) The maximum demand recorded in a month is defined as the average KVA during 30 minutes period of maximum use in a month. The Electricity Department, however, reserves the right to shorten this period in cases where there are considerable load fluctuation in operation.
- (e) Supply to consumers having a connected load between 100 and 1000 KVA will be generally at 11 KV and more than 1000 KVA at 33 KV. Exceptions may be made in special cases at the discretion of the Chief Electrical Engineer.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

D. N. Barua, Secretary, Industries and Labour
Panaji, 17th February, 1971.

Labour and Information Department

Mormugao Port Trust

Notification

MPT/IGA(E.806)/71

As required under Section 124(2) of the Major Port Trusts Act, 1963, the following amendments

to the Mormugao Port Employees (Contributory Provident Fund) Regulations, 1965 and Mormugao Port Employees (General Provident Fund) Regulations, 1964, adopted by the Board of Trustees are hereby published: —

I. Substitute the following for the existing Sub-Regulation 13(1)(c) including the two provisos thereto of Mormugao Port Employees (Contributory Provident Fund) Regulations, 1965.

“(c) to pay obligatory expenses on a scale appropriate to the subscriber's status which by customary usage the subscriber has to incur in connection with marriages, funerals or other ceremonies”.

II. Substitute the following for the existing Sub-Regulation 13(1)(c) including the two provisos thereto of Mormugao Port Employees (General Provident Fund) Regulations, 1964.

“(c) to pay obligatory expenses on a scale appropriate to the subscriber's status which by customary usage the subscriber has to incur in connection with marriages, funerals or other ceremonies”.

III. Insert the following as sub-regulation (1A) after sub-regulation 1 of Regulation 13 of the Mormugao Port Employees (Contributory Provident Fund) Regulations, 1965:

“(1A) The appropriate sanctioning authority may, in special circumstances, sanction the payment to any subscriber of an advance if he is satisfied that the subscriber concerned requires the advance for reasons other than those mentioned in sub-regulation (1)”.

IV. Insert the following as sub-regulation (1A) after sub-regulation 1 of Regulation 13 of the Mormugao Port Employees (General Provident Fund) Regulations, 1964.

“(1A) The appropriate sanctioning authority may, in special circumstances, sanction the payment to any subscriber of an advance, if he is satisfied that the subscriber concerned requires the advance for reasons other than those mentioned in sub-regulation (1)”.

V. Add the following proviso to the sub-regulation (2) of Regulation 24 of the Mormugao Port Employees (Contributory Provident Fund) Regulations, 1965.

“Provided that where no manager has been appointed and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the payment shall under the orders of the Collector, be made in terms of sub-section (1) of Section 95 of the Indian Lunacy Act, 1912, to the person having charge of such lunatic and the Accounts Officer shall pay only the amount which he thinks fit to the person having charge of the lunatic and the surplus, if any, or such part thereof, as he thinks fit, shall be paid for the maintenance of such members of the lunatic's family as are dependent on him for maintenance”.

VI. Add the following proviso to the sub-regulation (2) of Regulation 23 of the Mormugao Port

Employees (General Provident Fund) Regulations, 1964.

"Provided that where no manager has been appointed and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the payment shall, under the orders of the Collector, be made in terms of Sub-Section (1) of Section 95 of the Indian Lunacy Act, 1912, to the person having charge of such lunatic and the Accounts Officer shall pay only the amount which he thinks fit to the person having charge of the lunatic and the surplus, if any, or such part thereof as he thinks fit, shall be paid for the maintenance of such members of the lunatic's family as are dependent on him for maintenance".

By order,

Shivakumar Dhindaw
Secretary

Mormugao, 6th January, 1971.

Notification

MPT/IGA(E.1016)/71

In terms of Section 124(2) of the Major Port Trusts Act, 1963, the following amendment to the draft Mormugao Port Employees (Reimbursement of Tuition Fees) Regulations 1969 notified in the Government Gazette Nos. 39 and 40 (Series I) dated 26-12-69 and 1-1-70 respectively, as adopted by the Board is hereby published:—

Substitute the following for the existing Regulation 4:

"4. Rate of Allowance.

Reimbursement of tuition fees will be made at rates not exceeding those approved by the Government of the area for Government Schools. In States where education is free and no fees have been prescribed for schools run by the State Government, reimbursement of fees charged by Government aided and recognised unaided schools and also Departmental Schools except those meant for blind, deaf and dumb students shall be made with effect from 1-6-1970 at the rates actually paid subject, however, to the following ceilings:—

Class I	}	At the rate of Rs. 5/- per month.
to		
Class VIII	}	At the rate of Rs. 6/- per month.
Class IX		
Class X		
Class XI		
		At the rate of Rs. 7/- per month.
		At the rate of Rs. 8/- per month.

For the purpose of reimbursement of tuition fees, a college run by a University shall be treated at par with 'aided School' and the fees actually paid will be reimbursed. A college affiliated to a University will, on the other hand, be treated like a recognised unaided institution and the tuition fees actually paid in such a college that may be reimbursed shall not exceed the fees prescribed by a University with which it is affiliated".

By order,

Shivakumar Dhindaw
Secretary

Mormugao, 6th January, 1971.